

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2005-57-C - ORDER NO. 2005-217
MAY 11, 2005

IN RE: Joint Petition for Arbitration on behalf of)	ORDER ESTABLISHING
NewSouth Communications Corp., NuVox)	ARBITRATION PLAN
Communications, Inc., KMC Telecom V,)	AND SCHEDULE
Inc., KMC Telecom III, LLC and Xspedius)	
[Affiliates] for an Interconnection Agreement)	
with BellSouth Telecommunications, Inc.)	
Pursuant to Section 252(b) of the)	
Communications Act of 1934, as Amended.)	

This matter comes before the Public Service Commission of South Carolina (“Commission”) on a Join Petition for Arbitration filed by NewSouth Communications Corp., NuVox Communications, Inc., KMC Telecom V, Inc., KMC Telecom III, LLC and Xspedius [Affiliates] (collectively, “Joint Petitioners”) on March 17, 2005, involving an interconnection agreement with BellSouth Telecommunications, Inc. (“BellSouth”). The Petition was filed pursuant to Section 252(b) of the Telecommunications Act of 1934 (the “Communications Act”), as amended. By its Petition, the Joint Petitioners request the Commission to arbitrate certain issues arising between the Joint Petitioners and BellSouth in the negotiation of an interconnection agreement. Additionally, the Joint Petitioners request the Commission to arbitrate the unresolved issues between the Joint Petitioners and BellSouth within the timetable specified by the Communications Act. Under Act No. 175, the Office of Regulatory Staff (“ORS”) is a party in arbitration cases.

Section 252 (b)(4)(C) of the Communications Act requires that a state commission hear and rule on a petition for arbitration no later than 9 months after the date on which the local exchange carrier received the request for negotiation. In their Petition, the Joint Petitioners assert that commencement of negotiations in the present proceeding was commenced on or about October 6, 2004. We must therefore hear and rule on this matter on or before July 6, 2005. Accordingly, we will rule on various procedural matters connected with this case in this Order and establish an Arbitration Plan.

The Arbitration Hearing in this Docket shall begin at **10:30 a.m. on Wednesday, June 1, 2005**, in the Commission Hearing Room.

The Commission hereby orders that twenty-five (25) copies of the direct testimony and exhibits of the Joint Petitioners and BellSouth shall be prefiled on or before **May 11, 2005**. Twenty-five (25) copies of the rebuttal testimony and exhibits of the Joint Petitioners and BellSouth and the direct testimony and exhibits of the ORS shall be prefiled on or before **May 23, 2005**. Further, twenty-five (25) copies of the surrebuttal testimony and exhibits of the Joint Petitioners and BellSouth shall be prefiled on or before **May 27, 2005**, limited solely to respond to the direct testimony and exhibits filed by the ORS.

The Parties shall file prehearing briefs and proposed orders with the Commission on or before **May 27, 2005**.

The parties shall serve the other parties with copies of all prefiled testimony and exhibits as well as with copies of the prehearing briefs. **Service on the parties and the**

Commission of the prefiled testimony and exhibits and the prehearing briefs shall be made by the close of business on the dates herein specified with such prefiled testimony and exhibits and prehearing briefs being delivered to the Commission and the opposing party by the close of business on the dates herein specified. If actual, physical service cannot be accomplished on the dates indicated herein, service may be accomplished by facsimile transmission or e-mail transmission of the prefiled testimony and exhibits and prehearing briefs by the close of business on the dates specified, with over-night delivery to follow.

All parties are reminded that all witnesses must be present during the hearing in this matter at the call of the Chairman, or the Commission may decline to allow the witnesses' testimony to be read into the record of the proceeding and/or may decline to allow the witnesses' exhibits to be entered into the evidence of the case.

Opening statements of the parties and any participants will be allowed at the beginning of the hearing. Closing statements of the parties and any participants will be allowed at the conclusion of the hearing.

Direct testimony and exhibits, as well as rebuttal and surrebuttal testimony and exhibits, of the parties' witnesses shall be presented to the Arbitrator in a panel format, with all witnesses being sworn in concurrently. Examination of witnesses will proceed issue by issue, with all witnesses on an issue being examined by all parties before proceeding to the next issue. Examination of the witnesses shall be conducted by attorneys for the Parties. The examination may be directed to specific witnesses or to the entire panel of witnesses. Responses by other witnesses, other than the witness or

witnesses to whom the question is directed, may be allowed at the discretion of the Chairman.

Please note that any party requesting modification of this schedule must file a request for such modification with the Commission.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

/s/
Randy Mitchell, Chairman

ATTEST:

/s/
G. O'Neal Hamilton, Vice Chairman

(SEAL)